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Attorneys for Defendant,
The O'Brien Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

OAKLAND DIVISION

RICHARD E. HASKINS, an individual;
ARTHUR L. HASKINS, an individual; and
ESTATE OF ARTHUR "BUZZ" HASKINS,
JR., DECEASED, a deceased individual,)
Plaintiffs,)
v.)
CHEROKEE INVESTMENT PARTNERS, LLC,)
a North Carolina limited liability company;)
FULLER-O'BRIEN, INC., a surrendered)
Delaware Corporation; and DOES 1 through 100,)
Defendants.)
Case No. CV-11-05142-PGR
**STIPULATION RE ORDER
SHORTENING TIME FOR
MOTION TO SET ASIDE
DEFAULT; COURT ORDER ~~GRANTING ORDER~~ DENYING
SHORTENING TIME**

The parties, and each of them, hereby stipulate as follows:

RECITALS

1. WHEREAS, plaintiffs have taken the default of defendant The O'Brien Corporation ("O'Brien"), the successor by merger of and named herein as Fuller O'Brien, Inc.;

2. WHEREAS, plaintiffs' Motion to Enter Default Judgment against O'Brien is set for hearing on February 7, 2013 before Magistrate Judge Laurel Beeler;
3. WHEREAS, O'Brien is filing herewith its Motion to Set Aside the Default;
4. WHEREAS, O'Brien seeks to have the Motion to Set Aside Default heard and decided on the merits before any default judgment is entered;
5. WHEREAS, pursuant to Local Rule, counsel for the parties have met and conferred over O'Brien's intent to seek an order shortening time;
6. WHEREAS, plaintiffs agree to stipulate to the order shortening time on the condition that the motion be set and heard before Magistrate Judge Laurel Beeler on the same date and time as the pending Motion to Enter Default Judgment.

STIPULATION

NOW THEREFORE, the parties, by and through their respective counsel, hereby stipulate that this Court may issue an order setting O'Brien's Motion to Set Aside Default on shortened time so that it is set for hearing before Magistrate Judge Laurel Beeler on February 7, 2013 at 11:00 am. The parties further stipulate that any opposition papers shall be filed and served no later than February 1, 2013, and that any reply papers be filed and served no later than February 5, 2013.

SO STIPULATED

Dated: January 24, 2013

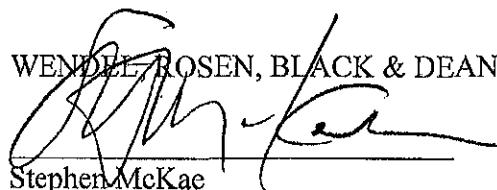
EPSTEIN, ENGLERT, STALEY & COFFEY,
A Professional Corporation

/s/ Robert H. Staley

Robert H. Staley
Attorney for Defendant,
The O'Brien Corporation

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2 Dated: January 24, 2013
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WENDELL ROSEN, BLACK & DEAN, LLP


Stephen McKae
5 Attorney for Defendants,
6 Cherokee Acquisition Corp., Cherokee Investment
7 Partners II, L.P., Cherokee Grand Avenue, LLC,
8 Cherokee San Francisco, LLC
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11 Dated: January 24, 2013
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PALADIN LAW GROUP LLC

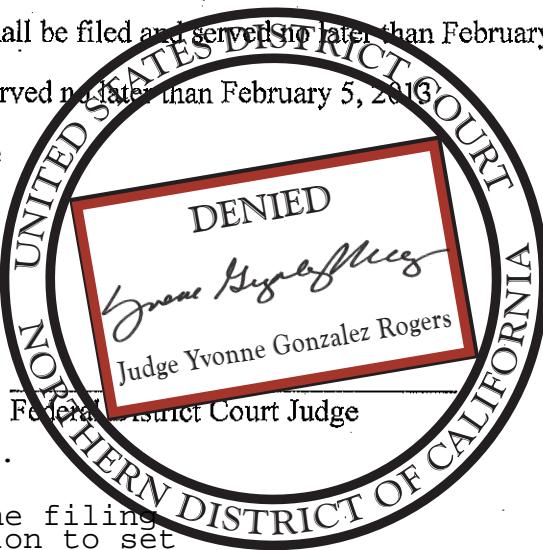
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15 /s/ Bret A. Stone
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17

Bret A. Stone
18 Attorney for Plaintiffs,
19 Richard E. Haskins, Arthur L. Haskins, and the
20 Estate of Arthur "Buzz" Haskins, Jr., Deceased
21
22

14 DENYING
15 COURT ORDER ~~GRANTING~~ MOTION TO SHORTEN TIME
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17 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT defendant
18 O'Brien's ex parte application for order shortening time is hereby granted. O'Brien's Motion to
19 Set Aside Default is hereby set for hearing before Magistrate Judge Laurel Beeler on February 7,
20 2013 at 11:00 am. Any opposition papers shall be filed and served no later than February 1,
21 2013. Any reply papers shall be filed and served no later than February 5, 2013.
22 The motion to set aside
23 default must be heard by the
24 district court judge.
25 **SO ORDERED**

Dated: January 25, 2013



26 The Court notes that Dkt. No.
27 63 improperly filed separate
28 motions in one document. The filing party shall re-file the motion to set aside default as a separate motion before Judge Gonzalez Rogers. This Order terminates Dkt. No. 63.